

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/602,495  
Attorney Docket No.: M5015.P001  
Applicant : Darrell James Shelton  
Filed : June 23, 2003  
TC/A.U. : 3751  
Examiner : Huynh, Khoa D  
Confirmation No. : 2225

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TELEPHONIC INTERVIEW SUMMARY OF OCTOBER 18, 2005 and  
OCTOBER 19, 2005 and EMAIL CORRESPONDENCE OF OCTOBER 20, 2005**

**Date of Interview:** 10/18/2005 and 10/19/2005 and 10/20/2005  
**Form of Interview:** Telephonic & email  
**Attendees:** Mark S. Peloquin (Applicant's Attorney)  
Khoa D. Huynh (Examiner)  
**Exhibits:** A – Medical Evidence p 43, James Publishing 2004  
B – Proposed amendments to claims 60 and 46 sent  
as an email attachment to Applicant's email  
correspondence of October 19, 2005 as referenced in  
Exhibit C.  
C – Email correspondence, October 20, 2005  
**Claims Discussed:** Claims 45-53, 60-67, and 75-113  
**Prior Art Discussed:** Isbit (6256800), Wilk (5551098),  
Tanaka et al. (5201080), Tsipov (5513396),  
Anderson et al. (4764997), Jamison (485943)

**Proposed Amendments:**

Claim 46 (currently amended):                    A method comprising:

supporting a human on a support surface, wherein the support surface has a seat portion and a back portion; and

inspecting an area of the human selected from the group consisting of a lower spinal region of the human's anatomy and an anal region by accessing, from behind the human and behind the back portion of the support surface, ~~a posterior region~~ the area of the human through an aperture in the support surface.

Claim 60 (currently amended):    A method comprising:

providing posterior access to a sacral region of a human's anatomy, through an aperture in ~~the a~~ support surface, ~~when the human's legs and back are supported on~~ the support surface having a seat portion and a back portion, the access is from behind the support surface and the aperture relieves pressure on a portion of the human's anatomy, the portion includes the sacral region and an area between a left cheek and a right cheek of the buttocks below the human's spine.

**Arguments Presented to Examiner:**

1.)    The amendment to claim 60: "the support surface having a seat portion and a back portion," amended in the accompanying Preliminary Amendment

dated October 24, 2005, is not necessary to overcome the prior art of record (toilet seats and bidets) for the following reason:

a.) In order to have an aperture in a surface, there must first be a surface around which to form the aperture. The art of record does not provide a surface that is configured with an aperture such that: "the aperture relieves pressure on a portion of the human's anatomy, the portion includes the sacral region...." Applicant's claim 60 (as amended in the accompanying Preliminary Amendment dated October 24, 2005). Therefore, since the prior art of record does not contain structure that corresponds to the aforementioned claim limitation, Applicant's claim 60 (less the aforementioned claim limitation) cannot read on the prior art of record.

2.) Applicant's claim 60 as presented in the Preliminary Amendment dated July 6, 2005, i.e., "providing posterior access to a sacral region of a human's anatomy, through an aperture in the support surface, when the human's legs and back are supported on the support surface" (Appendix B) does not read on the prior art of record, (toilet seats and bidets) for the following reason:

a.) The prior art of record (toilet seats and bidets) do not "support" a human's "back." When a human sits on the prior art of record, such as a toilet seat, the toilet seat supports a portion of the human's anatomy that is in contact with the toilet seat, for example, the persons buttocks and legs above the knees. The person's feet are ordinarily supported by the floor. Thus, the person's feet are supported by the floor, the person's buttocks and upper legs are supported

by the toilet seat and the rest of the human, such as back, arms, head, etc. are balanced with support provided to the buttocks and upper legs by the toilet seat and floor. It must be noted that without active participation from the human's muscular skeletal system to balance the human's back, the human would fall off of the toilet seat. Thus, the prior art of record, toilet seat, bidet, etc. does not support the human's back as does applicant's claim 60, as presented in the Preliminary Amendment dated July 6, 2005. The Examiner incorrectly reads into Applicant's claim 60 (as presented in the Preliminary Amendment dated July 6, 2005) the added requirement that the human balance his or her back while sitting on the toilet seat in order to assert that the a toilet seat "supports" a human's back as does Applicant's claim 60 as presented in the Preliminary Amendment dated July 6, 2005.

3.) The methods of claims 45 and 46 were discussed. Applicant contends that a restriction between these claims is improper since these methods are capable of being used together.

**Other Matters Discussed:**

The sacral region of a human's anatomy was discussed and Exhibit A was submitted by the Applicant.

**Outcome of Interview:**

1. The Examiner agreed that all pending claims, 45-53, 60-67, and 75-113, (as amended in the accompanying Preliminary Amendment dated October 24, 2005) do not read on the prior art of record (toilet seats and bidets).
  
2. It was agreed that the Examiner will remove all restriction requirements following entry of the amendments to claims 46 and 60 (as amended in the accompanying Preliminary Amendment dated October 24, 2005) and as shown above and in EXHIBIT B and referred to in EXHIBIT C.

## APPENDIX A

# Medical Evidence

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Director of Clinical Anatomy Graduate Program  
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**Robert H. Guinn, M.D., F.A.C.S.**

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## APPENDIX A

### Related texts from James Publishing:

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First edition, 10/01  
Revision 1, 10/02

Revision 2, 11/03  
Revision 3, 11/04

## APPENDIX A

Skeletal System

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but little rotation can be accomplished. The fifth lumbar vertebra is somewhat wedge shaped, since it must articulate with the sacrum at a considerable angle. The intervertebral discs of the lower lumbar region (L4-5) are the most likely to break down, bulge into the intervertebral foramen, and press on the roots of the spinal nerves. The angle at which the fifth lumbar vertebra and the sacrum join may cause the fifth lumbar vertebra to slip forward.

### *Sacrum and Coccyx*

The sacrum (Fig. 3-18) is composed of five fused vertebrae. It articulates above with the fifth lumbar vertebra at the lumbosacral joint, laterally with the iliac bones of the pelvis at the sacroiliac (*say-kro-ill'e-ack*) joint, and inferiorly with the coccyx at the sacrococcygeal (*say-kro-cock-sidg'eal*) joint. The strong sacroiliac and sacrotuberous (*say-kro-too'ber-us*) ligaments posteriorly stabilize the sacrum. The sacrum is not only a portion of the spinal column, it is the keystone of the pelvis. The interior of the sacrum is hollow; it is formed by the remnant of the neural canal of the now-fused sacral vertebrae. The inferior opening to the canal is called the sacral hiatus (*say'kral high-at'e-us*). This opening is often used to introduce anesthesia into the spinal column.

The coccyx is the tailbone. It forms the sacrococcygeal joint with the sacrum. It is the anchor point for some of the pelvic muscles and ligaments. Occasionally it can be injured in falls.

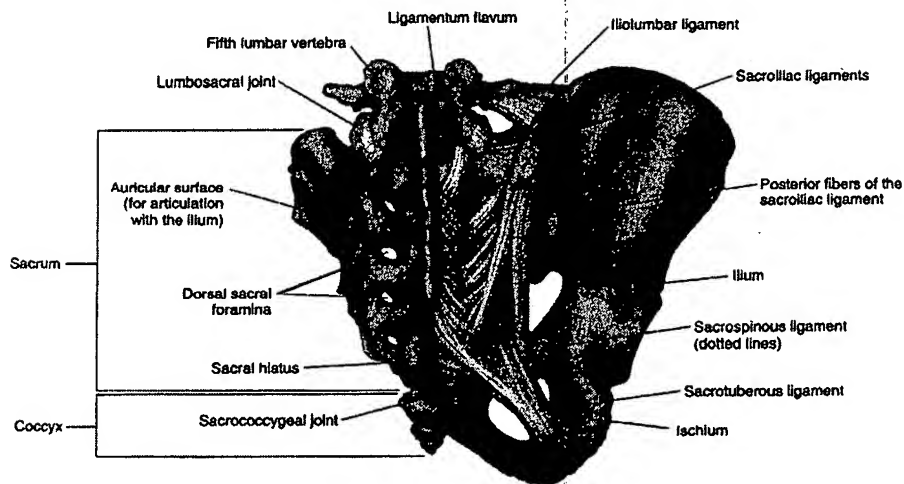


Figure 3-18 • The sacrum, pelvis, and posterior ligaments. The large sacrotuberous and sacrospinous ligaments anchor and support the sacrum.

(Rev. 1, 11/02)



## APPENDIX B

Patent Application Serial No.: 10/602,495  
Attorney Docket No.: M5015.P001  
Date: October 19, 2005  
Attorney: Mark S. Peloquin, Esq. (206) 447-1336

**Claim 60 as it appeared in the preliminary Amendment accompanying the  
RCE submitted on July 6, 2005:**

Claim 60 (currently amended): A method comprising:

providing posterior access to a sacral region of a human's anatomy, through an aperture in the support surface, when the human's legs and back are supported on the support surface and the aperture relieves pressure on a portion of the human's anatomy between a left cheek and right cheek of the buttocks.

**Alternative language for claim 60:**

Claim 60 (currently amended): A method comprising:

providing posterior access to a sacral region of a human's anatomy, through an aperture in ~~the a~~ support surface, the support surface having a seat portion and a back portion, the access is from behind the support surface when the human's legs and back are supported on the support surface and the aperture relieves pressure on a portion of the human's anatomy, the portion includes the sacral region and an area between a left cheek and ~~a~~ right cheek of the buttocks below the human's spine.

**Clean version of the alternative language for claim 60:**

Claim 60 (currently amended): A method comprising:

providing posterior access to a sacral region of a human's anatomy, through an aperture in a support surface, the support surface having a seat portion and a back portion, the access is from behind the support surface and the aperture relieves pressure on a portion of the human's anatomy, the portion includes the sacral region and an area between a left cheek and a right cheek of the buttocks below the human's spine.

## APPENDIX B

Patent Application Serial No.: 10/602,495

Attorney Docket No.: M5015.P001

Date: October 19, 2005

Attorney: Mark S. Peloquin, Esq. (206) 447-1336

**Claim 46 as it appeared in the preliminary Amendment accompanying the  
RCE submitted on July 6, 2005:**

Claim 46 (currently amended): A method comprising:

supporting a human on a support surface, wherein the support surface  
has a seat portion and a back portion; and

~~inspecting an area of the human selected from the group consisting of a  
lower ~~epine~~ spinal region of the human's anatomy and an anal region by  
accessing, from behind the human and behind the back portion of the support  
surface, a posterior region of the human through an aperture in the support  
surface.~~

**Alternative language for claim 46:**

Claim 46 (currently amended): A method comprising:

supporting a human on a support surface, wherein the support surface  
has a seat portion and a back portion; and

inspecting an area of the human selected from the group consisting of a  
lower spinal region of the human's anatomy and an anal region by accessing,  
from behind the human and behind the back portion of the support surface, ~~a  
posterior region~~ the area of the human through an aperture in the support  
surface.

Appl. No. 10/602,495

Summary of Telephonic Interview Held on October 18, 2005 and October 19, 2005

In Reply To Restriction Requirement, dated September 30, 2005

EQ 110645238 US

## APPENDIX B

Patent Application Serial No.: 10/602,495

Attorney Docket No.: M5015.P001

Date: October 19, 2005

Attorney: Mark S. Peloquin, Esq. (206) 447-1336

**Clean version of the alternative language for claim 46:**

Claim 46 (currently amended):                      A method comprising:

                    supporting a human on a support surface, wherein the support surface  
has a seat portion and a back portion; and

                    inspecting an area of the human selected from the group consisting of a  
lower spinal region and an anal region by accessing, from behind the human and  
behind the back portion of the support surface, the area of the human through an  
aperture in the support surface.

## APPENDIX C

Page 1 of 2

**Mark S. Peloquin**

**From:** Huynh, Khoa [Khoa.Huynh@USPTO.GOV]  
**Sent:** Thursday, October 20, 2005 9:35 AM  
**To:** Mark S. Peloquin  
**Subject:** RE: Telephone Interview for Serial No.: 10/602,495  
**Sensitivity:** Confidential

Hi Mr. Peloquin,

I have looked at the claims in the alternative language. The claims are fine.

Khoa Huynh  
Patent Examiner  
571-272-4888

-----Original Message-----

**From:** Mark S. Peloquin [mailto:mark@peloquinlaw.com]  
**Sent:** Wednesday, October 19, 2005 5:25 PM  
**To:** Huynh, Khoa  
**Cc:** mark@peloquinlaw.com  
**Subject:** Telephone Interview for Serial No.: 10/602,495  
**Importance:** High  
**Sensitivity:** Confidential

Hello Examiner Huynh:

Thank you very much for the telephone interviews yesterday and today. Following up on today's conversation, please find attached a file that contains the amendments to claims 46 and 60 that will result in removal of the restriction requirement and examination of all pending claims in the patent application referenced above.

Please reply to this email and indicate that the "alternative language" and "clean version for the alternative language" shown for claims 46 and 60 include the amendments that we discussed today. Following your reply, I will prepare and file another preliminary amendment in response to the restriction requirement of September 30, 2005.

Regards,  
Mark

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Appl. No. 10/602,495

Summary of Telephonic Interview Held on October 18, 2005 and October 19, 2005

In Reply To Restriction Requirement, dated September 30, 2005

EQ 110645238 US

## APPENDIX C

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Appl. No. 10/602,495  
Summary of Telephonic Interview Held on October 18, 2005 and October 19, 2005  
In Reply To Restriction Requirement, dated September 30, 2005  
EQ 110645238 US



Respectfully submitted,

PELOQUIN, PLLC

October 24, 2005  
Date

Mark S. Peloquin, Esq.  
Mark S. Peloquin, Esq.

USPTO Registration # 50,787

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Mark S. Peloquin, Esq.      October 24, 2005  
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The following papers were received in the United States Patent and Trademark Office:

Applicant: Darell James Shelton  
Attorney: Mark S. Peloquin, Esq.  
Title of Invention: **SUPPORT APPARATUS FOR A HUMAN AND METHOD OF USE**  
Serial No.: 10/602,495  
Filing Date: June 23, 2003  
Docket No.: M5015.P001  
Express Mail No.: EQ 110645238 US  
Mailing Date: October 24, 2005

- \_\_\_\_ (1) Transmittal PTO/SB/21 (1 pages)
- \_\_\_\_ (1) Examiner Interview Summary (14 pages)
- \_\_\_\_ (1) Response to Restriction Requirement & Preliminary Amendment (16 pages)
- \_\_\_\_ (1) Return Receipt Postcard (1 page)
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Alexandria, VA 22313-1450

Mark S. Peloquin, Esq.

Printed Name of Person Performing Mailing

Mark S. Peloquin, Esq.  
Signature

October 24, 2005  
Date